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| 09/419,169 | 10/15/1999 | PRASAD MIRIYALA | 081862.P164 | 9863 |

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EXAMINER

JAIN, RAJ K

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2664

DATE MAILED: 11/19/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/419,169

Applicant(s)

MIRIYALA, PRASAD

Examiner

Raj Jain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10,12-16,18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10,12-16,18 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-10, 12-16, 18 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi et al (US Pat. 6069872) in view Sharma et al

Regarding claim 1, Bonomi discloses a system and method for controlling congestion in a packet switched communications system and in particular to an explicit rate congestion control system and method for an asynchronous transfer mode (ATM) communications network. The network comprising:

a number of nodes connected through one or more communication links (**Fig 1**); and
a resource manager configured to allocate bandwidth over the communication links to **high priority** calls (**Figs 2, 3; col 2 L7-col 3 L60**) received at one or more of the nodes without dropping existing calls within the network (**Fig 3, col 5 L60-col 6 L35, col 8 L50-60**).

Bonomi does not disclose the use of **negotiation** using selected compression schemes for existing calls transported on an outbound communications link.

Sharma (**col 1 L7, which also incorporates Li et al US Pat. 5,617,423**) discloses use of negotiation (**abstract**) selected compression schemes for existing calls transported on an outbound communications link, (**abstract; Fig 3; col 1 L40-56; claim 4 also see Li abstract and claim 1**).

The use of negotiated compression algorithm for voice traffic reduces the overall bandwidth required per call which in turn increases the total number of calls that may be completed within a same amount of bandwidth allocated.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bonomi's rate control system to include the compression schemes as taught by Sharma so as to utilize less overall bandwidth per call yet increase the total number of calls that can be completed within the same amount of the total allocated bandwidth.

Regarding claims 8 and 16, Once again Bonomi does not disclose the use of **negotiation** using selected compression schemes for existing calls transported on an outbound communications link. Sharma and Li (**col 1 L7, which also incorporates Li et al US Pat. 5,617,423**) discloses use of negotiated selected compression schemes for existing calls transported on an outbound communications link, (**abstract; Fig 3; col 1 L40-56; claim 4; also see Li abstract and claim 1**), Li clearly discloses renegotiation of compression parameters (**claim 1 (d)**). Sharma also discloses the negotiation of speech compression algorithm by appropriate CODEC circuits within the subject invention (**col 18 L45-col 20 L10**).

Regarding claim 2, Bonomi discloses ...negotiation conducted in a fashion that will preserve connections for existing calls associated with the node (**col 3**).

Regarding claim 3, Bonomi discloses negotiation conducted so as to cause one or more of the existing calls to consume less bandwidth over the outbound communication links than was consumed at a time prior to reception of the high priority calls, (**col 2-3, claims 1 and 9**).

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Regarding claims 4, 6, 12, 14 and 24, Bonomi discloses congestion control via use of RM cells that may be used to indicate to the source node that it should increase, decrease or maintain its bit rate, (**Fig 3; col 6 L17-38**).

Regarding claims 5, 9 and 15, Bonomi discloses how one may set up a priority scheme for the desired traffic (i.e. CBR, VBR, ABR) by limiting the total bandwidth usage for a particular traffic stream and having the remainder of the bandwidth available for high priority traffic, of which can include voice calls, (**col 8 L47-67**).

Regarding claim 10, Bonomi discloses communications system via ATM links (**col 1 L1-10**).

Regarding claim 18, Bonomi discloses bandwidth resource management via use of RM cells that may be used to indicate to the source node that it should increase, decrease or maintain its bit rate, (**Fig 3; col 6 L17-38**).

Regarding claims 13, 20, 22 and 25 the format and use of OAM cells is well known in the arts as also contended by Applicant (**page 12 L13**). OAM's cells are used to transmit a variety of information such as to measure cell loss ratios per VP or per VC, where the receiver compares with how many cells it actually received. Cell loss is an important quality parameter in ATM, at least for CBR, VBR and ABR services, OAM cells are also used for fault management, performance management and at times some of these cells are sent periodically in order to detect possible failures within the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bonomi's rate control system to include OAM cells to transmit desired information from one node to the next to possibly to detect and control congestion problems as needed.

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Regarding claim 21, Bonomi discloses a means for managing of communication links between nodes of interest, (**claim 9**) and Sharma and Li discloses means for negotiating compression schemes (**claim 1&4 of Sharma and claim 13 of Li**).

Regarding claim 23, Bonomi discloses an ATM network (**Fig 1**) with various nodes, communication devices (computers, fax, phone, etc.) the use of a computer readable medium to provide efficient bandwidth management and therefore efficient communications link amongst various elements is inherent within the system.

Response to Arguments

1. Applicant's arguments with respect to claims 1-6, 8-10, 12-16, 18 and 21-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 703-305-5652. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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RJ

November 12, 2003

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600